

# **EXHIBIT A**

GALLAGHER & KENNEDY, P.A.  
2575 EAST CAMELBACK ROAD  
PHOENIX, ARIZONA 85016-9225  
(602) 530-8000

Robert W. Boatman (009619)  
Mark S. O'Connor (011029)  
Paul L. Stoller (016773)  
Shannon L. Clark (019708)  
C. Lincoln Combs (025080)  
Gallagher & Kennedy, P.A.  
2575 East Camelback Road  
Phoenix, Arizona 85016-9225  
602-530-8000  
602-530-8500 – fax  
[rwb@gknet.com](mailto:rwb@gknet.com)  
[mark.oconnor@gknet.com](mailto:mark.oconnor@gknet.com)  
[paul.stoller@gknet.com](mailto:paul.stoller@gknet.com)  
[slc@gknet.com](mailto:slc@gknet.com)  
[Lincoln.combs@gknet.com](mailto:Lincoln.combs@gknet.com)  
Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF ARIZONA**

IN RE BARD IVC FILTERS  
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

**FIRST AMENDED SHORT FORM  
COMPLAINT FOR DAMAGES FOR  
INDIVIDUAL CLAIMS**

Plaintiff(s) named below, for their Complaint against Defendants named below,  
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

John L. Kuhn, Jr.

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of  
consortium claim:

1 N/A

- 2 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,  
3 conservator):

4 N/A

- 5 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at  
6 the time of implant:

7 Pennsylvania

- 8 5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at  
9 the time of injury:

10 Pennsylvania

- 11 6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

12 Pennsylvania

- 13 7. District Court and Division in which venue would be proper absent direct filing:

14 United States District Court for the Middle District of Pennsylvania

- 15 8. Defendants (check Defendants against whom Complaint is made):

16 ☒ C.R. Bard Inc.

17 ☒ Bard Peripheral Vascular, Inc.

- 18 9. Basis of Jurisdiction:

19 ☒ Diversity of Citizenship

20 ☐ Other: \_\_\_\_\_

- 21 a. Other allegations of jurisdiction and venue not expressed in Master  
22 Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery<sup>®</sup> Vena Cava Filter

☐ G2<sup>®</sup> Vena Cava Filter

☐ G2<sup>®</sup> Express (G2<sup>®</sup>X) Vena Cava Filter

☒ Eclipse<sup>®</sup> Vena Cava Filter

☒ Meridian<sup>®</sup> Vena Cava Filter

☐ Denali<sup>®</sup> Vena Cava Filter

☐ Other: \_\_\_\_\_

11. Date of Implantation as to each product:

May 4, 2013

12. Counts in the Master Complaint brought by Plaintiff(s):

☒ Count I: Strict Products Liability – Manufacturing Defect

☒ Count II: Strict Products Liability – Information Defect (Failure to Warn)

☒ Count III: Strict Products Liability – Design Defect

☒ Count IV: Negligence - Design

☒ Count V: Negligence - Manufacture

- ☒ Count VI: Negligence – Failure to Recall/Retrofit
- ☒ Count VII: Negligence – Failure to Warn
- ☒ Count VIII: Negligent Misrepresentation
- ☒ Count IX: Negligence *Per Se*
- ☒ Count X: Breach of Express Warranty
- ☒ Count XI: Breach of Implied Warranty
- ☒ Count XII: Fraudulent Misrepresentation
- ☒ Count XIII: Fraudulent Concealment
- ☒ Count XIV: Violations of Applicable Pennsylvania (73 P.S. § 201-1 et seq.) (insert state) Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices
- ☐ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☒ Punitive Damages
- ☒ Other(s): All claims for Relief set forth in the Master complaint for an amount to be determined by the trier of fact including for the following: (please state the facts supporting this Count in the space immediately below)
- On May 4, 2014, John Kuhn Jr. had a Bard Meridian filter installed in his Inferior Vena Cava. Since the installation, Mr. Kuhn has suffered physical and emotional damages in an amount to be proven at trial.

**JURY DEMAND**

Plaintiff demands a Trial By Jury.

RESPECTFULLY SUBMITTED this ~~21st~~ day of April, 2016.

**GALLAGHER & KENNEDY, P.A.**

By /s/ Robert W. Boatman

Robert W. Boatman

Mark S. O'Connor

Paul L. Stoller

Shannon L. Clark

C. Lincoln Combs

2575 East Camelback Road

Phoenix, Arizona 85016-9225

**~~LOPEZ McHUGH LLP~~**

~~Ramon Rossi Lopez (CA Bar No. 86361)~~

~~(admitted *pro hac vice*)~~

~~100 Bayview Circle, Suite 5600~~

~~Newport Beach, California 92660~~

Attorneys for ~~Plaintiffs~~ Plaintiff

**CERTIFICATE OF SERVICE**

I hereby certify that on this ~~21st~~ day of April, 2016, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Deborah Yanazzo

Deborah Yanazzo

~~51806985353945~~